

REMARKS

The Office Action mailed September 22, 2009, considered and rejected claims 1, 5-7, 9-14, 18, and 22- 25. Claims 1, 9-11, 13, 14, 18 and 22-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* et al. (U.S. Publ. No. 2005/0075895), in view of *Bucher* (U.S. Patent No. 6,928,476). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin*, in view of *Bucher*, and further in view of *Snyder* et al. (U.S. Patent No. 5,564,109). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher*, and further in view of *Harrow* et al. (U.S. Publ. No. 2003/0009586). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher*, in view of *Snyder*, and further in view of *Domenikos* et al. (U.S. Patent No. 5,838,916).¹ Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher*, in view of *Koodli*, (U.S. Patent No. 6,571,095).

Traversal of the Obviousness Rejections

In the previous response, Applicant argued that the cited art does not teach or suggest the establishment of a communication session with the selected user storage device using the network address corresponding to the selected user storage device. In the current action, the examiner has misinterpreted this argument as being focused on a "session." Page 11 of the office action states: "As highlighted by Applicant's own arguments, *Bucher* does teach a system wherein data, passing through an intermediary, is forwarded in real time to user storage device. As one of ordinary skill would recognize, this in fact does constitute a 'session.'"

Applicant's arguments in the prior response, however, focused not simply on the fact that the data acquisition device establishes a session, but that the session is established directly "with the selected user storage device using the network address corresponding to the selected user storage device." For example, claim 1 is directed to "a method performed by a data acquisition device" and includes acts for both establishing a communication session with an online connection service to obtain the network address for a user storage device and for establishing a different communication session with the selected user storage device. Therefore, the claims explicitly state that once the network address is obtained from the online connection service, the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

data acquisition device uses the network address to connect directly to the user storage device. Although the independent claims clearly state that two separate connections are made, claim 24 was previously added to explicitly state that "establishing a communications session with the selected user storage device comprises a communications session which is separate and distinct from the communications session with the online connection service."

As was addressed in the previous response, neither Mohsenin nor Bucher teaches or suggests that the data acquisition device establishes a communication session with the user storage device. The previous response argued:

In both of these references, the data is routed through an intermediary. In both Mohsenin and Bucher, the data originator (the sending device of Mohsenin or the initiating computer of Bucher) only establishes a connection with an intermediary, but does not in fact establish a connection with the storage device. For example, in Mohsenin, pictures are transferred via SMS, MMS, or email messages. The messages are forwarded first to the mobile service provider which in turn forwards the images to the storage service provider. "By sending an MMS, SMS message or e-mail, there is no need for the user of the mobile camera phone to maintain active dialog with the image service provider." ¶ 24. In other words, the phone does not connect to the storage device.

In Bucher, as shown in each of the figures, an intermediary service handles the transfer of the data to the remote device. "[T]he initiating computer transfers the segment of data to the service. The service then brokers or transfers the segment of data to the remote device." Col. 3, lines 10-13. In other words, the initiating computer never connects to the storage device. The difference between Bucher and the present invention is illustrated by the fact that the data acquisition device of the present invention pulls data from the list which it uses to create a separate communication session with the storage device. In contrast, Bucher merely selects a device from the list to which the service forwards the provided data. As such, the combination of Mohsenin and Bucher fail to teach or suggest: "establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device," as claimed in combination with the remaining limitations.

In the current action, the examiner has provided no support for his argument that Mohsenin and Bucher teach or suggest these aspects of the invention. In the rejection of claim 1, the examiner cited paragraph 21 of Mohsenin as teaching the limitation of "establishing a communication session with the selected user storage device...." This paragraph, however, describes how a user connects to the service provider to which the user transmits pictures. The service provider is not the same as a user storage device. In the present invention, the user storage device is a storage location that is specific to or owned by the user. For example,

paragraph 18 states that "a user storage device may comprise a user's personal desktop computer, a user's personal notebook computer, or a user-specific storage on a shared device that is made available for use as a storage service, etc."² Therefore, in the present invention, there are two different entities to which the data acquisition device connects: (1) the connection service, and (2) the user storage device. Once the user receives a network address of an available user storage device from the connection service, a separate connection is made directly to the user storage device. This connection to the user storage device is independent of the connection with the connection service.

In other words, the user has complete control over how and where the data is stored once connected to the user storage device. For example, if the user storage device is the user's PC, the user can select to store the data in a My Pictures folder or any other folder the user desires. In contrast, in Mohsenin, the user simply sends the pictures to the service provider. The service provider then handles how and where the pictures are stored. *Specifically, in Mohsenin, the user is not granted access to connect directly to the service provider's storage devices on which the pictures are stored.* Further, once the pictures are stored, the user is only given access to view the pictures using a URL. As such, the user cannot directly access the storage device where the pictures are stored. Therefore, Mohsenin does not disclose "establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device," or the other related limitations of the independent claims.

With regards to Bucher, the examiner's arguments reaffirm that Bucher does not teach this limitation. In the "Response to Arguments" section, the examiner states that "Bucher does teach a system wherein data, passing through an intermediary, is forwarded in real time to user storage device." The use of an intermediary (or service as it is referred to in Bucher) means that no connection is made between the user and the storage device. As stated in column 3, lines 11-14: "[T]he initiating computer transfers the segment of data to the service. The service then brokers or transfers the segment of data to the remote device." The initiating computer of Bucher never establishes a communication session with the user storage device, only with the service. As such, Bucher cannot teach "establishing a communication session with the selected

² Claim 26 has been added to specifically state that the user storage device is either the user's personal notebook or desktop computer.

user storage device using the network address corresponding to the selected user storage device," or the other related limitations of the independent claims.

Finally, the independent claims require that the data acquisition device establish two different communication sessions, one with the service and one with the storage device. Mohsenin and Bucher, whether singly or in combination, fail to disclose anything similar to this process of establishing two separate communication sessions. In both references, the user sends pictures directly to the service. Although in Bucher, the user does have some control over where the pictures are ultimately stored, the user does not establish a separate connection to the user storage device to send the pictures. In all cases, the pictures are sent directly to the service by which their subsequent storage is handled independently of the user. Therefore, the cited art fails to teach or suggest each limitation of the independent claims.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

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Respectfully submitted,

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